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NOV 23 2009 LK

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

The Honorable JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MATTHEW BUHL, et al.,

Plaintiffs,

v.

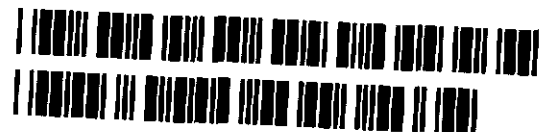
JOHN DOE, et al,

Defendants.

CASE NO. 2:09-cv-0598-JCC

PLAINTIFFS' MOTION FOR  
RECONSIDERATION

NOTE ON CALENDAR:  
November 23, 2009



09-CV-00598-STMT

INTRODUCTION

Plaintiff Matthew M. Buhl respectfully requests that the Court reconsider its November 10, 2009 Order dismissing this matter for Failure to Appear.

ARGUMENT

Plaintiff Matthew Buhl believes the matter should not have been dismissed for failure to appear because he and Plaintiffs Stephanie Robson, Keric McKenna, and Justin Cowgill did appear. All four Plaintiffs state in separate sworn affidavits that they entered the court building well before 9am, and after some difficulty with elevators and directions to the courtroom following security clearance, were present in the court room either at 9am or no more than


1 one or two moments after nine am. All four plaintiffs state that apart from their accompanying  
2 friend Samantha Chase and one attorney present for one of the other seven matters scheduled for  
3 9am, they were the only people in the courtroom for five to ten minutes before Deputy Clerk  
4 Mahnke and Court Reporter Kari Davidson entered and set up their equipment before the  
5 Honorable John Coughenour entered. This is consistent with Plaintiff Buhl's statement that when  
6 he inquired November 23<sup>rd</sup>, 2009 about contact information to serve a copy of this motion on the  
7 defendant's attorneys, he was informed by the clerk's office on that no attorneys have yet  
8 appeared on behalf of the defendants in this matter. In their affidavits, the Plaintiffs state that after  
9 one other matter was heard, a recess period began between approximately 9:15 to 9:20am, during  
10 which Deputy Clerk Mahnke asked Matthew Buhl, Stephanie Robson, Justin Cowgill and Kerie  
11 McKenna if they were present as observers, and that when they answered that they were present  
12 for a hearing, they were shocked to be told that the matter had already been dismissed. In his  
13 affidavit, Plaintiff Matthew Buhl states that he was also shocked to receive notice that he had  
14 missed the October 20<sup>th</sup> Scheduling Conference, and suspects that the original letter notifying him  
15 of that conference may have been placed into the box of an unknown person at his address, as he  
16 sometimes receives the mail of others in his building. Plaintiff Matthew Buhl states his fear that  
17 based on his and other Plaintiffs' Failure to Appear October 20<sup>th</sup> 2009, it was understandably but  
18 nevertheless incorrectly assumed that he and his co-Plaintiffs were not present for the 9am hearings  
19 of November 10th.

20  
21 CONCLUSION

22 Plaintiff Matthew Buhl prays this court, in the interests of justice, to reconsider its order  
23 dismissing this matter, and to instruct all parties to it to proceed.

24  
25 Date 11/23/2009

Respectfully submitted,

26   
Matthew Buhl, Pro se  
5307 4th Ave So, #223  
Seattle, WA 98108


PLAINTIFF'S MOTION  
FOR RECONSIDERATION- 2

CERIFICATE OF SERVICE

I hereby certify that, on this 23rd day of November, 2009, a true and complete copy of the foregoing Motion for Reconsideration was sent by First Class Certified U.S. Mail to the parties below:

Seattle Police Department  
610 Fifth Avenue P.O. Box 34986  
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PLAINTIFF'S MOTION  
FOR RECONSIDERATION- 3

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